

CLASSIFICATION OFFICE DECISION

Title of publication: 000049.mp4

Other known title(s): Not stated

OFLC ref: 1400012.026

Medium: Computer Moving Image File

Director: Not applicable

Country of origin: New Zealand

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable.
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Excisions: No excisions recommended

Descriptive note: None

Display conditions: None

Date of entry in Register: 14 February 2014

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 14 February 2014

	Components	Running time
Timed component(s):	000049.mp4	0:41
Total running time:		0:41

Summary of reasons for decision:

The publication is a moving image file in the form of a hand-held video recording. It shows a naked girl, known to be 10-11 years old at the time of recording, playing at an otherwise deserted swimming pool. She is filmed as she prepares to run, jumps into the pool then emerges from the pool. She seems somewhat self-conscious and attempts to cover her crotch but her chest and genitals remain a focus of the recording for as long as she is out of the water.

The recording can be reasonably regarded as sexual in nature. It is dealt with under s3(3)(b) for the exploitation of the girl's nudity. The photographer has taken advantage of the vulnerability of a child who lacks the maturity to be aware of possible consequences of the incident. The recording sexualises the girl's youthfulness and exploits her nudity to such a high degree that its availability is likely to be injurious to the public good.

This classification interferes with freedom of expression as set out in s14 of the NZBR Act, however, it is consistent with parliament's intention to limit the availability of publications that exploit the nudity of children and young persons.